

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI

**v.
JEWELL SAUNDERS**

RESPONDENT,

APPELLANT.

DOCKET NUMBER WD70174
DATE: August 10, 2010

Appeal From:

Jackson County Circuit Court
The Honorable Brian Curtis Wimes, Judge

Appellate Judges:

Division One: Lisa White Hardwick, Presiding Judge, James M. Smart, Jr., and Alok Ahuja,
Judges

Attorneys:

Shaun J. Mackelprang and Mary H. Moore, Jefferson City, MO for respondent.

S. Kate Webber, Kansas City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

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STATE OF MISSOURI,

RESPONDENT,

**v.
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Jackson County

Before Division One Judges: Lisa White Hardwick, Presiding Judge, James M. Smart, Jr., and Alok Ahuja, Judge

Jewell Saunders proceeded to jury trial on one count of kidnapping, one count of first-degree robbery, and one count of armed criminal action. The jury announced that it had reached a verdict of not guilty in all three counts. Upon polling the jury, ten jurors stated that the not guilty verdicts were inconsistent with their vote. The court asked the jury to continue deliberating and provided it with new guilty and not guilty verdict forms. The jury eventually announced it had reached a verdict. The verdicts, as read aloud by the court, indicated that the jury had found Saunders guilty of kidnapping and first-degree robbery but not guilty of armed criminal action. The foreperson indicated that the not guilty verdict was incorrect. The court resubmitted a blank guilty verdict form and a blank not guilty form to the jury on the armed criminal action count. The jury then indicated to the court and parties that there were apparently typographical errors in the blank verdict forms that had been sent up to the jury. Corrected blank verdict forms were provided to the jury. The jury ultimately indicated it had reached a verdict as to the armed criminal action count and found Saunders guilty on that count. Saunders appeals.

AFFIRMED.

Division One holds:

The judge did not err in instructing the jury to return to the jury room and deliberate further to reach a unanimous verdict. The judge naturally and quite properly wanted them to try to reach a verdict if they could do so after discussing the matter. He was not calling for any of them to set aside their convictions if, after discussion and reflection, they remained convinced of their position. Despite the unusual occurrences in this case, Saunders has failed to meet his substantial burden to show that the judge mishandled the juror confusion or coerced a verdict. We see no indication of a manifest injustice or miscarriage of justice.

Opinion by: James M. Smart, Jr., Judge

August 10, 2010

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